

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREANNA J. PACINI,

Plaintiff,

V.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

CIVIL NO. 1:20-cv-01009-HBK (SS)

ORDER APPROVING PARTIES' JOINT
STIPULATION UNDER SENTENCE FOUR OF
42 U.S.C. § 405(g) AND REVERSING FINAL
DECISION AND REMANDING CASE

(Doc. No. 17)

**ORDER TO TERMINATE ALL PENDING
MOTIONS AND DEADLINES**

Pending before the Court is the parties' Stipulation to Voluntary Remand filed June 3, 2021. (Doc. No. 17). Plaintiff Andreanna J. Pacini and the Commissioner of Social Security jointly stipulate to remand this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g) and for judgment to be entered in Plaintiff's favor. (*Id.*).

The United States Supreme Court held that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary’s decision. *See Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney’s fees under the Equal Access to Justice Act and calculating deadline using date of final judgment). The *Melkonyan* Court recognized 42 U.S.C. § 405(g) contemplates only two types of remands: a sentence four or a sentence six remand. *Id.* at 98. A sentence four remand authorizes a court to enter “a judgment affirming, modifying, or reversing the decision of the Secretary, with or without resetting the cause for a rehearing.” *Id.* at 98 (other citations omitted).

Here, the parties' stipulation and proposed order seeks remand under sentence four and reversal of the Commissioner's final decision. (Doc. 23. at 1-2). The parties further stipulate that the Administrative Law Judge should "re-evaluate the evidence of record." (*Id.* at 1).

Accordingly, it is now ORDERED:

The Court APPROVES the parties' Joint Stipulation (Doc. No. 17).

The Commissioner of Social Security's decision is REVERSED, judgment shall be entered in favor of plaintiff, and this case is REMANDED to the Commissioner of Social Security for further proceedings consistent with the parties' Joint Stipulation and this Order under sentence four, 42 U.S.C. § 405(g).

The Clerk is respectfully requested to terminate any pending motions/deadlines and close this case.

IT IS SO ORDERED.

Dated: June 6, 2021

Helena M. Barch-Kuchta
HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE